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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Bulgaria

1. The Committee considered the third periodic report of Bulgaria on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.16) at its 30th-32nd meetings, held on 16 and 17 November 1999 (twenty-first session), and adopted, at its 50th and 51st meetings, held on 30 November 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report by the State party which conforms generally with its guidelines. The Committee appreciates the comprehensive written replies submitted by the State party to the list of issues. It also notes with satisfaction the openness and candour of the exchange of views with the State party's delegation, as well as the comprehensive oral answers given to the questions put to the delegation during the dialogue.

B. Positive aspects

3. The Committee notes with satisfaction that despite the difficulties of the transition period, the State party has made extensive efforts to comply with its obligations under the Covenant.

4. The Committee notes with appreciation the ongoing consideration of the establishment of an Ombudsman's office in Bulgaria, and encourages the State party to proceed as speedily as possible towards the creation of the post.

5. The Committee welcomes the readiness of Bulgaria to give favourable consideration to acceding to an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

6. The Committee notes with satisfaction that despite the privatization of health services, medicines will continue to be distributed free of charge to the disadvantaged groups of society, and that mental health services will remain public.

7. The Committee notes with satisfaction the establishment, at the Higher Institute, of a programme for the training of police officers in human rights and refugee law. Similarly, the Committee welcomes the training in human rights afforded to magistrates.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee acknowledges the negative effects of the armed conflict in the Balkans on the Bulgarian economy, especially the destruction and blockage of trade routes and the disruption of navigation on the Danube.

9. The Committee takes note of the information supplied by the delegation that the financial stringencies related to structural adjustment programmes undertaken by Bulgaria in agreement with international financial institutions have negatively affected the ability of Bulgaria to comply with its obligations under the Covenant.

D. Principal subjects of concern

10. The Committee is deeply concerned that despite the efforts of the State party to improve the situation of the population, there is still an alarmingly high level of poverty in Bulgaria and that the social protection of the population continues to deteriorate, especially among the vulnerable groups.

11. The Committee deplores the discrimination against the Roma minority in many aspects of life, including education, work, social benefits and access to land. The Committee is especially concerned about the high rate of unemployment among the Roma minority and the poor quality of education afforded to this group.

12. The Committee notes with regret that the delegation was not able to specify any procedure through which minorities can voice complaints about the status of their enjoyment of economic, social and cultural rights.

13. The Committee notes with regret that despite the Government's efforts to combat unemployment, success has not been achieved in this regard.

14. The Committee deplores the situation where those who are employed receive salaries which do not allow them to secure for themselves and their families an adequate standard of living.

15. The Committee regrets that there is no legal prohibition of dismissal from employment on grounds of pregnancy.

16. The Committee takes note of the comments of the Committee of Experts of the International Labour Organization on limitations to the right to strike in Bulgaria, in particular concerning paragraph 11 (2) of the law of 1990 on collective labour disputes regarding the conditions for voting to exercise the right to strike in companies, and paragraph 16 (4) of the same law prohibiting the right to strike of workers in the health services, energy production and communications system sectors.

17. The Committee regrets that the State party has not accorded sufficient attention to the well-being of older persons, nor has it made an effort to guarantee to them a dignified life.

18. The Committee deplores the deterioration of the housing situation in Bulgaria and regrets that only ineffective measures have been taken by the State party to alleviate overcrowding and the generally poor condition of the housing that is available.

19. The Committee regrets the lack of opportunities for minorities to receive education in their own languages.

20. The Committee is also concerned about the low wages of teachers in Bulgaria.

21. The Committee is concerned that the fees introduced in higher education may represent a serious obstacle for disadvantaged groups of society seeking such an education.

E. Suggestions and recommendations

22. The Committee recommends that the State party seek the technical cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights with a view to establishing a national human rights institution in conformity with the 1991 Principles relating to the status and functioning of national institutions for the promotion and protection of human rights ("the Paris Principles").

23. While the State party has to strike a balance between reforming the economy and safeguarding the rights enshrined in the Covenant, the obligations arising therefrom require that an adequate standard of living for all citizens, and in particular the most vulnerable groups, must be assured. The Committee refers to its General Comment No. 12 (1999) in this regard.

24. The Committee recommends that the State party evaluate the economic reform programmes with respect to their impact on poverty, and make efforts to adjust these programmes in such a way that they adequately respond to the current social needs of the population. The Committee recommends that in negotiations with international financial institutions, the State party take into account its obligations to respect, protect and fulfil all the rights enshrined in the Covenant.

25. The Committee recommends that the State party take the necessary measures to allow for the full exercise of the right to strike, and in particular to amend paragraphs 11 (2) and 16 (4) of the law of 1990 on collective labour disputes concerning the right to strike.

26. Having in mind the United Nations International Year for Older Persons and the increase in the number of older persons in Bulgaria, the Committee recommends that the State party take affirmative action for the well-being of older persons.

27. The Committee calls upon the State party to continue its efforts to integrate ethnic minorities into society, and to undertake measures to provide the opportunity for such minorities to be educated in their own languages.

28. The Committee recommends that the State party establish a plan of action to improve the housing situation, in particular the social housing situation. If necessary, the State party should request international assistance in this regard.

29. The Committee takes note of the measures taken to alleviate the situation of asylum-seekers and refugees, such as the adoption of a new law on refugees and the construction of a new centre for asylum-seekers. The Committee urges the State party to implement fully the law reforms and to ensure that there is an improvement in the situation of refugees detained at the international airport in Sofia.

30. The Committee recommends that the State party prohibit dismissal on the grounds of pregnancy.

31. The Committee requests the State party to provide information, in its fourth periodic report, on the phenomena of child labour, street children and domestic violence against women.

32. The Committee requests the State party to explain, in its fourth periodic report, the measures it has taken to ensure that all teaching staff enjoy the conditions, including wages, commensurate with their status, in accordance with article 13 (2) (e) of the Covenant.

33. Given that fees for higher education may represent a serious obstacle to disadvantaged groups, the Committee requests the State party to explain, in its fourth periodic report, the steps taken to improve access to higher education for all, such as the introduction of an effective fellowship system, as provided for in article 13 (2) (e) of the Covenant.

34. The Committee urges the State party to undertake the necessary measures to ensure that the provisions of the Covenant are widely disseminated, particularly within the legal profession and among members of the judiciary.

35. The Committee requests the State party to provide information, in its fourth periodic report, on case law, if any, concerning the provisions of the Covenant.

36. The Committee requests the State party to ensure the wide dissemination of these concluding observations. In its fourth periodic report, to be submitted on 30 June 2001, the State party is requested to provide detailed information on the steps it has undertaken to implement these recommendations of the Committee.

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COMMITTEE ON ECONOMIC, SOCIAL
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

Argentina

1. The Committee considered the second periodic report of the Republic of Argentina (E/1990/6/Add.16) at its 33rd, 34th, 35th and 36th meetings held on 17, 18 and 19 November and, at its 52nd meeting, held on 1 December 1999, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the second periodic report submitted by Argentina and the written replies to the Committee's list of issues (E/C.12/Q/ARG/1), as well as the constructive dialogue conducted between the Committee members and the State party's delegation. Notwithstanding, the Committee regrets the delay with which the State party submitted its written replies to the list of issues, which prevented its timely translation and therefore its full use by all members.

3. The Committee has considered with interest Argentina's written report, which contains important legal information, but notes nonetheless the absence of specific information needed to evaluate the implementation of economic, social and cultural rights in Argentina.

B. Positive aspects

4. The Committee notes with satisfaction article 75 of the 1994 Constitution, which provides for the restitution to the indigenous peoples of some of their traditional lands. It further welcomes the restitution of large tracts of traditional lands.

5. It also notes with satisfaction the adoption of the Emergency Plan (Plan de Emergencia) that aims to help those living below the poverty level.

6. The Committee welcomes the information that the State party has signed immigration agreements with Bolivia and Peru in order to regularize the situation of citizens of those countries in Argentina.

7. The Committee takes note of the partial implementation of the Government's plan to facilitate home ownership by tenants illegally occupying government property by giving them the opportunity to purchase the land they are occupying at preferential interest rates.

8. The Committee notes with satisfaction the success of the Government's health programme in finding a cure for Chagas disease, which has been recognized by the World Health Organization.

9. The Committee welcomes the information that human rights education is now available throughout all levels of education.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee acknowledges the financial difficulties encountered by the Argentine economy in the last four years. While the Government has succeeded in stabilizing the value of the currency, the implementation of the structural adjustment programme has hampered the enjoyment of economic, social and cultural rights, in particular by the disadvantaged groups in society.

D. Principal subjects of concern

11. The Committee is concerned about the six Mapuche indigenous communities who, despite having obtained legal recognition of their rights over some of their traditional lands in the Pulmari area, have not yet received the property deeds to these. It is also concerned about the status of the Indigenous and Tribal Peoples Convention, 1989 (Convention No. 169) of the International Labour Organization, the ratification of which was authorized by the National Congress in 1989 but which has yet to take place.

12. The Committee is concerned about the very high unemployment rate in Argentina (almost 15 per cent) and in particular about the large number of the new poor (nuevos pobres), who had traditionally belonged to the middle classes.

13. It is particularly concerned about the large number of workers who fall within the informal economic sectors. Approximately 37 per cent of urban workers in the country are not registered which, according to the Government's own estimates, implies that some 3 million workers have no social security coverage.

14. The Committee is also concerned that unemployment benefits reach only some 6 per cent of the unemployed population and that some categories of workers are excluded, such as rural domestic and construction workers and public employees.

15. The Committee notes with concern the way in which "temporary" workers, as they are known in Argentina, are treated, since the measures adopted to promote job creation have not secured for them the economic, social and cultural rights of workers, particularly in times of growing unemployment.

16. The Committee notes with concern the adoption by the State party of legislative reforms that tend to increase the precariousness of work relationships. This is evidenced by permitting the adoption of collective agreements that reduce the legal work standards (Law 24.467, chap. III), an increase in the trial period stipulated in work contracts and the generalization of contracts of limited duration.

17. The Committee notes with concern that various de facto discriminatory practices against women exist, particularly in the areas of employment and equal pay.

18. The Committee also notes with concern the extent of the Government's privatization of the pension programme, in particular article 16 of Law 24,463 which allows the Government to reduce, and eventually even not to pay pensions by invoking economic constraints.

19. The Committee has had difficulty in evaluating the Government's programmes for training workers and the impact of these programmes owing to the absence of comprehensive statistics.

20. The Committee is concerned about the housing deficit in Argentina and that the initiatives taken by the Government have not been adequate in this regard. The Committee is also concerned at the lack of statistics in Argentina relating to housing.

21. The Committee reiterates its concern about the high incidence of irregular occupations of buildings, particularly in Buenos Aires, and the circumstances in which evictions are carried out.

22. The Committee is concerned at the privatization of labour inspections and control systems and notes that public campaigns are not an adequate substitute for efficient inspections carried out by public authorities. The Committee is also concerned that conditions in workplaces, particularly in the building sector, frequently fail to meet established standards.

23. The Committee is concerned that the right to health is not being fully implemented in the State party. In particular, it is concerned about the conditions in public hospitals in general and with psychiatric hospitals in particular.

24. The Committee is concerned about the health of pregnant women, in particular the relatively high maternal mortality rate, and the high adolescent pregnancy figures.

25. The Committee also notes with concern the increasing incidence of violence against women, in particular domestic violence.

26. The Committee notes that the State party has had in place for 10 years, a programme, which has been trying to address the question of street children, particularly in Buenos Aires. However, it remains concerned that the root problems have not been successfully addressed, given that the number of children on the streets has continued to increase.

E. Suggestions and recommendations

27. The Committee suggests that the State party introduce institutional arrangements, within the government administration, to ensure that its obligations under the Covenant are taken into account at an early stage in the formulation of national policies on issues such as housing, health and education.

28. The Committee also recommends that the State party, when negotiating with international financial institutions, take into account its Covenant obligations to respect, protect and fulfil all of the rights enshrined in the Covenant.

29. The Committee recommends that the State party ratify ILO Convention No. 169, in accordance with the authorization given by the National Congress in 1989, and to find a solution that will satisfy the rights of the Mapuche communities in the Pulmari region.

30. The Government is also urged to adopt more effective measures to reduce unemployment. Furthermore, it should ensure that the economic, social and cultural rights of temporary workers are effectively respected.

31. The Committee recommends that the State party examine its legislation with regard to provisions of collective agreements that have detrimental effects such as those lengthening the trial period stipulated in work contracts, or limiting the duration of contracts, and to verify their conformity with articles 6 and 7 of the Covenant.

32. The Committee calls upon the Government of Argentina to take steps to guarantee equality in law and in practice between men and women in the enjoyment of economic, social and cultural rights.

33. The Committee urges the State party to ensure that its social security system guarantees workers an adequate minimum pension, which should not be unilaterally reduced or deferred, especially in times of economic constraints. Consequently, it recommends that the State party repeal article 16 of Law 24,463 of 31 March 1995 in order to guarantee the full payment of all pensions.

34. The Committee recommends that the Government's programmes for training workers be assessed and that statistics be provided to the Committee so that it can evaluate the Government's policies in this respect.

35. The Committee recommends that the State party continue and enhance its initiatives to overcome the housing shortage in Argentina, and that it provide the Committee in its next periodic report with detailed statistics on the housing situation in the country.

36. The Committee also recommends that the State party continue its policy of legalizing deeds to those that have possession of houses. The Committee also recommends that the existing procedures for the eviction of illegal occupants be reviewed as a matter of priority. The Committee once again draws the attention of the Government to the full text of its General Comments No. 4 (1991) and No. 7 (1997) on the right to adequate housing and urges the Government to ensure that policy, legislation and practice take due account of both general comments.

37. The Committee urges the Government to improve the effectiveness of its measures in the area of safety and hygiene in the workplace, particularly in the construction sector, to increase its efforts to improve all aspects of environmental and industrial hygiene and safety, as well as to ensure that the control and inspection of industrial hygiene and safety are carried out by public authorities.

38. The Committee urges the State party to review its policies on health, and in particular that it pay attention to the issues of mental health, maternal mortality, adolescent pregnancies and HIV/AIDS, and that it provide the Committee with comprehensive statistics in its next periodic report.

39. The Committee urges the State party to intensify its efforts to combat the problem of violence against women, in particular domestic violence.

40. The Committee recommends that the State party adopt measures to combat the problem of street children and to attack the root causes of this situation.

41. The Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the second periodic report which remain unanswered, inter alia regarding the guarantee of pensions and social security, should be addressed in the State party's third periodic report.

42. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society and in its third periodic report, to be submitted on 30 June 2001, to inform the Committee on all steps taken to implement them

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Armenia

1. The Committee considered the initial report of Armenia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.36) at its 38th-40th meetings, held on 22 and 23 November 1999 (twenty-first session), and adopted, at its 53rd meeting, held on 1 December 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report by the State party which conforms generally to the guidelines established by the Committee. The Committee appreciates the submission of written replies by the State party to its list of issues. It also notes with satisfaction the efforts made by the State party's delegation to answer with openness and candour the questions put to it during the dialogue. However, the Committee regrets that the delegation was not able to provide more detailed information and concrete facts and statistics in response to the list of issues submitted by the Committee to the Government 11 months earlier, or to answer in a satisfactory manner all the questions asked by Committee members during the dialogue.

B. Positive aspects

3. The Committee notes the willingness and efforts of the State party to comply with its obligations under the Covenant and acknowledges with appreciation the efforts made by the Government of Armenia to cope with the consequences of the many difficulties, in particular the natural disasters and armed conflicts, that have led to its current deteriorated economic, social and political situation.

4. The Committee welcomes the fact that despite the aforementioned difficulties faced by the Government, cultural rights in general continue to be promoted and developed in Armenia.

5. The Committee also notes with satisfaction the equal treatment of refugees and Armenian citizens in the exercise of economic, social and cultural rights.

C. Factors and difficulties impeding the implementation of the Covenant

6. The Committee acknowledges the serious negative effects of the difficult social, economic and political circumstances which the Government of Armenia has faced for over a decade.

7. The Committee also notes the obstacles arising from the trade blockade imposed by a number of its neighbouring countries, which have led to a reduction of trade activities in Armenia.

D. Principal subjects of concern

8. The Committee is concerned about the legal status of the International Covenant on Economic, Social and Cultural Rights in the Armenian national legal order. The Committee regrets that the delegation has not been able to clarify the position of the Covenant in Armenian law, nor to provide any specific references to cases in which the Covenant has been invoked in national courts of law.

9. The Committee is particularly concerned about the slow and complicated process required for the adoption of new legislation which aims to give effect to economic, social and cultural rights in accordance with the State party's obligations under the Covenant.

10. The Committee is also concerned about the fact that despite equality between men and women before the law, there are still discrepancies in practice in the enjoyment of economic, social and cultural rights by men and women. For instance, despite the high level of education enjoyed by women and the high number of professionally qualified women, the unemployment rate of women remains high and there is a relatively low percentage of women in high-level positions, particularly in Parliament.

11. The Committee regrets that the replies provided by the Government in written form, as well as during the dialogue, have not brought sufficient clarity regarding the exact situation of employment in Armenia. In particular, the Committee was not provided with concrete data and

statistics adequately reflecting the actual status of the implementation of articles 6 to 8 of the Covenant, such as the increase or decrease of the unemployment rate over a period of time, and the adequacy of the minimum wage for securing minimum subsistence for workers and their families.

12. The Committee is deeply concerned about the inadequate efforts being made with regard to the crisis in the housing situation in Armenia, owing to, inter alia, the damage caused by the 1988 earthquake, as well as the influx of refugees.

13. The Committee regrets the lack of statistics with regard to the implementation of the rights to food, housing, health and education, as a result of which they could not be evaluated sufficiently by the Committee.

14. The Committee regrets that the information provided by the Government of Armenia has not been sufficient to clarify why there has been a general deterioration in the health of the Armenian people, especially among the women, why budgetary allocations for health have been decreasing, and the causes and consequences of a high occurrence of cancers and cardiovascular diseases.

15. In addition, the Committee is alarmed by the fact that abortion remains the most commonly used means of family planning in the country owing, in particular, to inadequate education and the high cost of contraceptives.

16. The Committee notes with concern the marked decline in the percentage of government allocations for education relative to allocations for other sectors. The Committee is also concerned about the increase of the fee-paying educational sector.

E. Suggestions and recommendations

17. The Committee recommends that the Government of Armenia provide more specific and detailed data which are up to date and, where necessary, disaggregated by gender, relating to the rights set forth in the Covenant. The Committee requests the Government to provide the data specifically requested on housing, food, health and education within six months after the adoption of the present concluding observations.

18. The Committee requests the Government of Armenia to provide more information, in its second periodic report, on the exact status of the Covenant in the Armenian national legal system, and that it undertake measures to define the relationship between Armenia's international legal obligations and its national legislation.

19. The Committee recommends that family planning programmes be set up for women, in particular to decrease the incidence of abortion, along with programmes for the prevention and treatment of cancer. Furthermore, the Committee requests the Government to take measures which will promote employment for women and their greater participation in public life.

20. The Committee also recommends that the Government of Armenia take measures to ensure that the quality of the Armenian education system is monitored and guaranteed, particularly in private educational institutions, which have increased in number.

21. In addition, human rights education should be ensured in curricula at all levels of education, as well as in relevant public institutions such as the judiciary, administrative bodies and the police force.

22. The Committee suggests that the Government of Armenia avail itself more actively of technical assistance from the Office of the United Nations High Commissioner for Human Rights and relevant United Nations specialized agencies and programmes, particularly in the preparation of its second periodic report to the Committee.

23. The Committee would also like to draw the attention of the Government of Armenia to the need to include in their forthcoming periodic report the necessary supporting statistical data on the evolution of the economy, personal incomes, and the state of nutrition, housing, health and education in the country.

24. Finally, the Committee requests the State party to disseminate its concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them. It also urges the Government of Armenia to consult with non-governmental organizations in the preparation of the second periodic report.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Cameroon

1. The Committee considered the initial report of Cameroon (E/1990/5/Add.16) at its 41st, 42nd and 43rd meetings on 23 and 24 November 1999 and, at its 54th meeting, held on 2 December 1999, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report submitted by Cameroon, despite the considerable delay, and appreciates the candid written replies to the Committee's list of issues (E/C.12/Q/CAMER/1). The Committee regrets, however, that the delegation, despite all its efforts to answer the Committee's questions, could not do so in a fully satisfactory manner. It is a matter of regret that a delegation of experts from the capital was unable to attend the meetings, as this would have made for a more detailed and constructive dialogue.

3. The Committee notes that a lack of concrete and specific information, both in the written report and in the replies provided by the Government of the State party, and the absence of a core document prevented the Committee from making an effective evaluation of the actual situation concerning the enjoyment by the people of Cameroon of the human rights provided for in the Covenant.

4. The Committee notes the delegation's undertaking to provide statistical data and more specific information on various economic, social and cultural indicators in its second periodic report.

B. Positive aspects

5. The Committee views as a positive development the establishment of the Ministry of Women's Affairs in 1997, with a special mandate to promote equality of women and eliminate all forms of discrimination against women in all spheres of Cameroonian society.

6. The Committee notes with satisfaction the increase in the growth rate of the State party's gross domestic product in 1998 to 5 per cent and the decrease in the rate of inflation to 1.6 per cent in the year ending June 1998 from 9.6 per cent a year earlier. These positive developments contribute to an environment conducive to more effective implementation of the rights under the Covenant.

7. The Committee welcomes the recent 30 per cent increase in the salaries of government employees and the rehabilitation of Cameroon's social insurance fund, the Caisse nationale de prévoyance social, to ensure the payment of appropriate funds to pensioners.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee notes that the repayment of external debt by Cameroon, which absorbs approximately two thirds of the country's export earnings, negatively affects the ability of the Government to allocate sufficient resources to the social sector.

9. The Committee notes the prevalence of certain traditions, customs and cultural practices in Cameroon which continue to impede the full enjoyment by women of their rights under the Covenant.

10. The Committee notes that the Government's economic reform programme for 1998/99, which implemented the structural adjustment programme in Cameroon approved by the International Monetary Fund, the World Bank and the Caisse française de développement, while increasing the real GDP growth rate has impacted negatively on the enjoyment of economic, social and cultural rights by increasing poverty and unemployment, worsening income distribution and causing the collapse of social services.

D. Principal subjects of concern

11. The Committee is concerned about the exact legal status of the Covenant in the Cameroonian legal system. The Committee regrets that the delegation has not been able to clarify the position of the Covenant in Cameroonian law, nor provide any specific references to cases in which the Covenant has been invoked in national courts of law.

12. The Committee is concerned about the lack of transparency and degree of independence of the National Committee on Human Rights and Freedoms, the findings of which are not published or made public.

13. The Committee is deeply concerned that the Government of Cameroon has not yet embarked on the necessary law reform to repeal laws which maintain the unequal legal status of women, particularly in aspects of the Civil Code and the Commercial Code relating to, inter alia, the right to own property and the laws regarding credit and bankruptcy, which restrict women's access to the means of production. They are in flagrant violation of the non-discrimination and equal treatment provisions of the Covenant and are inconsistent with the recently amended Constitution of Cameroon which upholds the equal rights of all citizens of Cameroon.

14. The Committee deplores the lack of progress made by the Government in combating the continuing discriminatory practices against women and girls which impede the enjoyment of their rights under the Covenant. Such practices include polygamy, the forced early marriage of girls and discriminatory laws which prevent women from inheriting land.

15. The Committee deplores the inadequacy of measures taken by the Government to combat, especially by means of educational programmes, the enduring practice of female genital mutilation, which is generally practised on young women and girls in the far north and south-west provinces of Cameroon.

16. The Committee deplores the lack of measures taken to eliminate domestic violence against women, which is still regarded as culturally acceptable by certain sectors of society.

17. The Committee deplores the lack of government action to protect the rights of workers on rural plantations by safeguarding for them just conditions of work. The Committee was deeply concerned about the replies from the delegation that such workers were free to negotiate the conditions of their employment, as the Government is obliged under the Covenant to ensure that all workers enjoy favourable conditions of employment, including fair wages, safe conditions of work and a reasonable limitation on working hours.

18. The Committee is concerned that the Government has not yet introduced legislation to prohibit sexual harassment in the workplace which, according to information received by the Committee, is a widespread practice in Cameroon.

19. The Committee regrets that the minimum wage set by the Government is not adequate to enable workers to live above the poverty line, let alone to provide a decent standard of living for themselves and their families.

20. The Committee regrets the lack of specific information in the written replies from the State party, and from the delegation itself, concerning the reasons for the refusal to recognize the National Union of Teachers of Higher Education since 1991.

21. The Committee is deeply concerned about the increasing incidence of poverty and unemployment in Cameroon, especially among the most vulnerable groups, such as minority groups and the elderly, and among the rural population. The Committee is especially alarmed by figures regarding poverty in Cameroon. which reveal that 55 per cent of the population were living below the poverty line in 1998 and that 40 per cent of the rural population live in poverty

compared with 15 per cent of the urban population. In this regard, the Committee is concerned about the inadequacy of social security with regard to child maintenance for single parents and low-income families.

22. The Committee regrets the lack of access to potable water for large sectors of society, especially in rural areas where only 27 per cent of the population have access to safe water (within reasonable reach), while 47 per cent of the urban population have such access.

23. The Committee is concerned about the protection of the rights of the Baka Pygmies, in particular their right to an adequate standard of living including the right to food, which have been adversely affected by the depletion of the natural resources of the rainforest upon which they depend for subsistence, and by the compulsory acquisition by the Government of their land.

24. The Committee is concerned about the reportedly high incidence of forced evictions in the rural areas of Cameroon, which have not been addressed in the written replies by the State party.

25. The Committee is concerned about the inadequacy of family planning policies and programmes in Cameroon, which have failed to reduce infant and maternal mortality. The Committee is also concerned about the high level of clandestine abortion in Cameroon, which is in part responsible for the high maternal mortality rate.

26. The Committee notes with regret the statement by the State party in its written replies that medical facilities for all sections of the population remain inadequate and unequally distributed. The Committee also regrets that the replies provided by the State party have not clarified the situation with regard to the provision of health services in Cameroon.

27. The Committee notes with deep concern that there is no legislation in Cameroon which provides for free primary education. The Committee regrets the requirement of a parental contribution in the form of compulsory fees levied by primary schools which, in view of high levels of poverty, greatly restrict access to primary education, particularly for girls.

28. The Committee is deeply concerned about the inadequate salaries earned by teachers and the lack of school buildings and other infrastructure and of services, particularly in rural areas. The Committee also deplores the imbalance in the distribution of education resources between Cameroon's 10 provinces.

29. The Committee is concerned about the high level of illiteracy still existing in Cameroon. It also notes with deep concern the cultural preference given to the education of male children. This is reflected in the higher illiteracy rate of women, which is 49.9 per cent compared with 30 per cent for men.

30. The Committee regrets that the delegation was unable to provide specific information concerning the different segments of the population which are enrolled in higher education.

E. Suggestions and recommendations

31. The Committee urges the State party to take all appropriate measures, including the enactment of legislation, to ensure that all the people of Cameroon enjoy the economic, social and cultural rights set forth in the Covenant.

32. The Committee calls upon the State party to take more active and positive steps to address the inequality of and discriminations against women in Cameroon, in law and fact. In particular, the Committee urges the State party to repeal all provisions of the Civil and Commercial Codes which discriminate against women.

33. The Committee urges the Government to prohibit customary practices which violate the rights of women and to take active measures to combat such practices and beliefs by all means, including educational programmes. Government action should focus, in particular, on the elimination of the practices of polygamy, forced marriages and female genital mutilation, and the bias in favour of the education of boys. The State party is requested to report on the progress achieved in this regard in its second periodic report.

34. The Committee calls upon the State party to introduce specific legislation and policies to prohibit domestic violence and sexual harassment in the workplace, with a view to strengthening the protection of women.

35. The Committee urges the State party to take effective measures to protect the right of workers on rural plantations, to ensure that they enjoy just and favourable conditions of work.

36. The Committee urges the State party to adopt appropriate remedial action, including a National Strategy against Poverty, to deal with the acute problem of poverty in Cameroon. The Committee suggests in this regard that the State party consult with the specialized agencies and competent United Nations bodies prior to the formulation of such a strategy.

37. The Committee urges the State party to review its legislation and policy regarding child maintenance, with a view to ensuring the provision of adequate social security for single parents and low-income families.

38. The Committee recommends that the State party review its macroeconomic reform programmes with respect to their impact on the standard of living of vulnerable groups, particularly in the rural areas, and to make efforts to adjust these reforms in a way that better responds to the current needs of such groups. The Committee recommends in this regard that in negotiations with international financial institutions, the State party take into account its international legal obligations to protect, promote and fulfil economic, social and cultural rights.

39. The Committee urges the State party to take effective measures to protect the right of the Baka Pygmies to an adequate standard of living, in particular their right to food, when negotiating contracts for projects which impact negatively on their lives.

40. The Committee calls upon the State party to make safe drinking water accessible to the entire population.

41. The Committee urges the State party to implement laws and policies to combat the problem of forced evictions, in accordance with General Comments Nos. 4 and 7 of the Committee.

42. In its second periodic report, the Committee would appreciate more concrete information concerning medical services and the problems facing vulnerable groups with regard to access to medical services, especially in rural areas. The Committee would also like more information on the effectiveness of the national pharmaceutical policy in providing high-quality generic medications to all sectors of society.

43. The Committee recommends that the Government take effective measures to end all forms of compulsory parental contribution for primary education. In this regard, the Committee urges the State party to allocate increased resources to education, in particular for infrastructure and human resources, especially in rural areas. In this connection, the Committee draws the attention of the State party to its General Comment No. 11.

44. In its second periodic report, the State party is requested to provide specific and detailed information on the enjoyment by women of the rights provided for in the Covenant.

45. The Committee urges the State party to review its policies on health in order to address, in particular, maternal mortality, adolescent pregnancies and the HIV/AIDS epidemic. In this respect, the Committee also urges the Government to review its family planning policies with a view to increasing access to information concerning contraceptives through educational programmes.

46. The Committee also recommends that the Government of Cameroon avail itself of technical assistance from the Office of the United Nations High Commissioner for Human Rights and from the relevant United Nations specialized agencies in the preparation of its second periodic report.

47. The Committee urges the State party to take necessary measures to ensure that the provisions of the Covenant are widely disseminated, through human rights education in all curricula, and among all sectors of society, particularly among the legal profession, members of the judiciary and administrative authorities.

48. The Committee requests the State party to take steps to disseminate widely these concluding observations and submit its second periodic report by 30 June 2001, so that the Committee may be kept informed about the progress made in implementing the rights set forth in the Covenant and the recommendations of the Committee in this regard.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Mexico

1. The Committee considered the third periodic report of Mexico (E/1994/104/Add.41) at its 44th to 46th meetings, held on 25 and 26 November 1999, and adopted, at its 54th meeting (twenty-first session), held on 2 December 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the third periodic report submitted by Mexico and the written replies to the Committee's list of issues. The Committee notes with appreciation the presence of the delegation from the capital and the constructive dialogue that took place during the session.

B. Positive aspects

3. The Committee takes note of the State party's improved macroeconomic performance, particularly the reduction of foreign debt, the decrease in inflation and the growth of export capacity, all of which create an environment conducive to a more effective implementation of the rights under the Covenant.

4. The Committee welcomes the establishment of an inter-ministerial national committee to follow up on recommendations adopted by international human rights treaty bodies.

5. The Committee notes with satisfaction the increase in social expenditure, which now stands at 8.9 per cent of the gross domestic product, and takes note of the numerous programmes, such as the Programme for Education, Health and Nutrition (PROGRESA), established to improve the enjoyment of economic, social and cultural rights by the most marginalized segments of society.

6. The Committee appreciates the measures taken by the State party to alleviate any negative effects that the implementation of the North American Free Trade Agreement (NAFTA) might have on certain vulnerable sectors of the population.

7. The Committee welcomes the accession of Mexico to the anti-corruption conventions of the Organization for Economic Cooperation and Development and the Organization of American States.

8. The Committee appreciates the establishment of a National Programme for Women (Programa Nacional de la Mujer), which has a Surveillance Counsel to monitor and assist victims of intra-familial violence.

9. The Committee welcomes the establishment of a special governmental body (Procuraduría Nacional de la Defensa de los Trabajadores) to provide free legal assistance to workers.

10. The Committee also welcomes the recent conclusion of a memorandum of understanding, by which the Office of the United Nations High Commissioner for Human Rights will provide agreed technical assistance to the State party.

11. The Committee welcomes the positive attitude the Government of Mexico demonstrates with regard to a future adoption of an optional protocol to the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

12. The Committee notes that the economic crisis experienced by Mexico in 1995 has had negative effects on the enjoyment of economic, social and cultural rights by its population, in particular the most vulnerable sectors, which are still being experienced in Mexico as a significant amount of public funds is being invested in overcoming the effects of the crisis.

13. The Committee also takes note of the natural disasters experienced by Mexico and acknowledges the limitations they impose on the Government in guaranteeing the implementation of economic, social and cultural rights to its population at all times.

14. The Committee notes the prevalence of certain traditions, customs and cultural practices in Mexico which continue to impede the full enjoyment by women of their rights under the Covenant.

D. Principal subjects of concern

15. The Committee expresses concern about the insufficient efforts taken by the State party to comply with the concluding observations and specific recommendations adopted after the examination of its previous report.

16. The Committee is concerned that very little progress has been achieved by the State party during the period under review, despite its efforts to reduce poverty. It is disturbed by the increase in the number of persons living in poverty and extreme poverty. The Committee considers that unless the structural causes of poverty are properly addressed, a more equitable distribution of wealth between the various sectors of society, between states and between rural and urban areas will not be achieved.

17. The Committee is also concerned about the unbalanced approach of the State party to addressing various regional economic and social problems that prevail in the neglected and vulnerable sectors of Mexican society.

18. The Committee is concerned about the persisting plight of indigenous populations, particularly those of Chiapas, Guerrero, Veracruz and Oaxaca, who have limited access to, inter alia, health services, education, work, adequate nutrition and housing.

19. The Committee considers that the problem of corruption also has negative effects on the full implementation of economic, social and cultural rights. The Committee is therefore not satisfied with the information provided by the State party on the measures taken to combat the effects of this serious problem with regard to the rights protected by the Covenant.

20. The Committee regrets that despite the positive growth of macroeconomic indicators in Mexico, especially the sharp decrease in the level of inflation, the National Minimum Wage Commission has not adjusted the minimum wage level upwards. At present, about five minimum wages are needed to obtain the officially set basic food basket (canasta básica constitucional), in violation of article 7 (a) (ii) of the Covenant and as reflected in national legislation (article 123.VI of the Constitution).

21. The Committee is deeply concerned about the situation of women workers in the maquiladoras, some of whom are subjected to pregnancy tests upon recruitment and at intervals during work, and are dismissed if found to be pregnant.

22. The Committee regrets the State party's lack of commitment to increase the minimum working age of children from 14 to 16, since the age of 16 is when basic education is normally concluded.

23. The Committee also regrets the absence of plans to withdraw the State party's reservation to article 8 of the Covenant, although the right to form trade unions and the right to strike are enshrined in the Mexican Constitution and in the corresponding regulatory laws. The Committee regrets in particular the fact that trade unionism in the public sector is not pluralistic, and that trade union officials are not elected by direct vote.

24. The Committee is concerned about the privatization of the social security system, which may exclude from certain benefits those not in a position to contribute to an individual pension account, such as the unemployed, underemployed, lower-paid workers and those employed in the informal sector.

25. The Committee is concerned about the presence of numerous military and paramilitary forces within the indigenous community of Chiapas and other states in the region, and in particular about the allegations made by civil society organizations that these elements interfere with the supervision and implementation of development programmes and the distribution of economic and social assistance, and about the lack of consultations with the communities concerned.

26. The Committee is alarmed about the high rate of domestic violence, and in particular domestic violence against women. The Committee is also deeply concerned about the growth in the number of street children despite the efforts of the Government to tackle the problem.

27. The Committee regrets the lack of a satisfactory response to its previous concluding observations, as well as to the written and oral questions put to the delegation, concerning forced evictions. The Committee to date has not received a satisfactory answer to its queries about the extent of the problem and the measures taken by the Government to protect all citizens against forced evictions. Moreover, the Committee remains concerned about the housing shortage and the unsatisfactory condition of a high percentage of the housing stock, especially in rural areas where a significant number of dwellings lack electricity, adequate sewage disposal and piped water.

28. The Committee is concerned about the persisting malnutrition, especially in rural areas and among children under five years of age. The Committee is also alarmed to learn that malnutrition-related illnesses are among the chief causes of mortality in Mexico.

29. The Committee is also concerned to learn that the fourth highest cause of death among women in Mexico is illegal abortion.

E. Suggestions and recommendations

30. The Committee recommends that the State party identify benchmarks to assist it in monitoring the progress made in combating poverty. The Committee would appreciate an evaluation by the State party, in its fourth periodic report, of the progress made in improving the

enjoyment of economic, social and cultural rights by the Mexican population, using the identified benchmarks as reference points, complemented by statistical information.

31. The Committee urges the State party to address the structural causes of poverty in Mexico and to adjust the social programmes accordingly. Furthermore, the Committee invites the State party to involve closely the civil society in general, and the target groups in particular, in the planning, implementation and evaluation of these programmes.

32. The Committee recommends that the State party take effective measures to intensify its efforts to combat corruption, since this problem negatively affects the full implementation of the rights protected by the Covenant, including legal action against those responsible for acts of corruption.

33. The Committee recommends that the allocation of development resources by the State party be conducted in an equitable manner, irrespective of geographic location and the populations concerned.

34. The Committee calls upon the State party, when negotiating with international financial institutions and implementing structural adjustment programmes and macroeconomic policies affecting foreign debt servicing, integration into the global free market economy, etc., to take into account their effect on the enjoyment of economic, social and cultural rights, in particular for the most vulnerable groups of society.

35. The Committee recommends that the State party continue to strengthen its efforts to alleviate any negative effects that the implementation of NAFTA might have on certain vulnerable sectors of the population.

36. The Committee calls upon the State party to adopt effective measures to guarantee compliance with article 7 (a) (ii) of the International Covenant on Economic, Social and Cultural Rights, which is reflected in article 123.VI of the Mexican Constitution, in relation to the officially set basic food basket.

37. The Committee also urges the State party to adopt immediate steps towards the protection of women workers in the maquiladoras, including prohibiting the practice of demanding medical certification that prospective workers are not pregnant and taking legal action against employers who fail to comply.

38. The Committee recommends that the State party consider ratifying the Minimum Age Convention, 1973 (Convention No. 138) of the International Labour Organization.

39. The Committee calls upon the State party to comply with its obligations under article 8 of the Covenant and to withdraw its reservation made under that article.

40. The Committee urges the State party to take more effective measures to combat domestic violence, in particular domestic violence against women, and the serious problem of street children. The Committee also urges the State party to remedy the root causes of these problems.

41. The Committee urges the State party to increase its efforts to provide adequate housing at affordable prices, particularly to the poorest segments of society. The Committee wishes to receive more detailed information on the number of forced evictions and the manner in which these are carried out. The Committee recommends that the State party establish mechanisms that record evictions and their follow-up, take immediate remedial action against forced evictions, and report back on this issue to the Committee in its fourth periodic report.

42. The Committee urges the State party to continue taking more effective measures to ensure access to basic health-care services for all children and to combat malnutrition, especially among children belonging to indigenous groups living in rural and remote areas.

43. The Committee calls upon the State party to monitor closely the female mortality rate and to take steps to reduce the incidence of death caused by illegal abortion. In particular, the Committee recommends that the State party intensify its educational campaign regarding women's sexual and reproductive health, and include such subjects in school curricula.

44. The Committee recommends that in the State of Chiapas and other states in the region, the State party supervise and regulate the role of military or paramilitary forces in order to guarantee that development and social assistance programmes are implemented with the active participation of the populations concerned and without the interference of armed forces.

45. The Committee requests the State party to address in a separate section of its fourth periodic report the implementation of the present concluding observations.

46. The Committee recommends to the State party to take the necessary measures to ensure that the provisions of the Covenant are widely disseminated, through human rights education in all curricula, among all sectors of society, particularly among the judiciary and administrative authorities.

47. The Committee requests the State party to ensure dissemination of these concluding observations.